

**BOARD OF SUPERVISORS
COUNTY OF TUOLUMNE**

February 19, 2013

9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors: Randell A. Hanvelt, Chair, Evan Royce, Vice Chair; Sherri Brennan, John L. Gray and Karl Rodefer being present. Also present were County Administrator Craig L. Pedro; Sarah Carrillo, Acting County Counsel; and Alicia L. Jamar, Chief Deputy Clerk of the Board.

Absent: None

Supervisor John Gray, led the Pledge of Allegiance.

Consent Calendar	On motion of Supervisor Gray, seconded by Supervisor Rodefer, the following items on the Consent Calendar were approved by unanimous vote.
TC Comm on Aging Bylaws	1. Approving the Tuolumne County Commission on Aging Bylaws revisions.
Oak Grove Cem Reappt	2. Approving the reappointment of Leonard Cassaretto to the Oak Grove Cemetery District for a term to expire February 28, 2017.
TC Behav Health Appt/Resig/NOV	3. Approving the appointing Marsha Watts to the Tuolumne County Behavioral Health Advisory Board, with a term to expire on February 28, 2016 and accepting the resignation of Christy Wright and direct the Clerk of the Board to send a letter of appreciation and post a Notice of Vacancy.
Minutes	<p>The Board considered approving the minutes of the meeting held January 22, 2013.</p> <p>It was moved by Supervisor Rodefer, seconded by Supervisor Gray, and carried by 4-0 vote with Supervisor Hanvelt abstaining to approve the minutes of the meeting held January 22, 2013.</p>
HPRC-Appt	<p>The Board considered approving an appointment to the Historic Preservation Review Commission (HPRC).</p> <p>It was moved by Supervisor Brennan and seconded by Supervisor Rodefer to approve the appointment of Barbara Baylen to the HPRC for a term to expire December 31, 2015.</p>

Substitute motion was made by Supervisor Gray, seconded by Supervisor Royce, and carried by 4-1 vote with Supervisor Brennan dissenting, to approve the appointment of Reba Fuller to the HPRC for a term to expire December 31, 2015.

Small Business
Revolve Appt.

Supervisor Royce declared a conflict of interest and left the dais at 9:04 a.m.

The Board considered approving an appointment of an alternate at large representative to the Community Development Block Grant (CDBG) Small Business Resolving Loan Review Committee with no term limit.

It was moved by Supervisor Gray, seconded by Supervisor Brennan, and carried by 4-0 with Royce being absent, to approve the appointment of Michael Holland an alternate at large representative to the Community Development Block Grant (CDBG) Small Business Resolving Loan Review Committee with no term limit.

Supervisor Royce returned to the dais at 9:05 a.m.

TCPC
Appt/Reappt

The Board considered approving the appointments/reappointments of the At Large Representative, the District 5 representative; and the District 4 representative to the Tuolumne County Planning Commission for a terms to expire February 15, 2014.

Board consensus to continue the matter to the first meeting in July, 2013.

Agree-Sycamore
Concessions

Maureen Frank, Deputy County Administrator, requested consideration of approving a Standard Park Concessions Agreement with Sycamore Concessions Corporation for a term of five (5) years, and responded to questions from the Board.

It was moved by Supervisor Rodefer, seconded by Supervisor Gray, and carried by unanimous vote, to approve a Standard Park Concessions Agreement with Sycamore Concessions Corporation for a term of five (5) years with noted changes, authorizing the Chair to sign.

Property Sale
former Mother
Lode Medical
22044 Cedar Rd

Daniel Richardson, Deputy County Administrator, requested consideration of approving a Sales Contract with Tuolumne Me-Wuk Indian Health for the real property located at 22044 Cedar Road in Sonora for \$900,000.

Ken Caetano, Assessor-Recorder, responded to questions from the Board on the appraisal price of the property.

It was moved by Supervisor Gray, seconded by Supervisor Royce, and carried by unanimous vote, to approve a Sales Contract with Tuolumne Me-Wuk Indian Health for the real property located at 22044 Cedar Road in Sonora for \$900,000, authorizing the County Administrator to sign all documents.

Lease Agree-
Ricoh USA

Mr. Richardson requested consideration of approving a Lease Agreement with Ricoh USA, Inc. for multi-function devices that include copying, printing, faxing and scanning documentation at a monthly charge of \$17,464, and responded to questions from the Board.

Craig Pedro, County Administrator, responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Brennan, and carried by unanimous vote, to approve Lease Agreement with Ricoh USA, Inc. for multi-function devices that include copying, printing, faxing and scanning documentation at a monthly charge of \$17,464, authorizing the Chair to sign.

Legislation-
TC Economy

Kathleen Haff, Sr. Administrative Analyst, requested consideration of approving correspondence to Assemblyman Frank Bigelow and Senator Tom Berryhill requesting support as authors of Legislation that would allow Tuolumne County to enter into direct access contracting for the benefit of job creation and stimulating our economy and responded to questions from the Board.

It was moved by Supervisor Brennan, seconded by Supervisor Royce, and carried by unanimous vote, to approve correspondence to Assemblyman Frank Bigelow and Senator Tom Berryhill requesting support as authors of Legislation that would allow Tuolumne County to enter into direct access contracting for the benefit of job creation and stimulating our economy, authorizing the Chair to sign.

TPPA-Legislation
TC Economy

The Board of Supervisors recessed and reconvened as the Tuolumne Public Power Agency at 9:31 a.m.

Ms. Haff requested consideration of approving correspondence to Assemblyman Frank Bigelow and Senator Tom Berryhill requesting support as authors of Legislation that would allow Tuolumne County to enter into direct access contracting for the benefit of job creation and stimulating our economy, and responded to questions from the Board.

It was moved by Supervisor Royce, seconded by Supervisor Rodefer, and carried by unanimous vote, to approve correspondence to Assemblyman Frank Bigelow and Senator Tom Berryhill requesting support as authors of Legislation that would allow Tuolumne County to enter into direct access contracting for the benefit of job creation and stimulating our economy, authorizing the Chair to sign.

The Tuolumne Public Power Agency recessed and reconvened as the Board of Supervisors at 9:33 a.m.

Presentation-
Probation PRCS

Dan Hawks, Deputy Probation Officer, addressed the Board and gave a presentation on the first year data for Post Release Communities Supervision (PRCS) offenders released to Tuolumne County Probation and BI, Inc. Day Reporting Center for supervision and responded to questions from the Board.

Mr. Pedro addressed the Board.

Kathy Fascilla addressed the Board.

No action was required.

Agree-BI, Inc.
Amended

Mr. Hawks requested consideration of approving the first Amendment to the Contract with BI, Inc. to operate the Day Reporting Center and responded to questions from the Board.

Megan Boldemann, Staff Service Analyst, responded to questions from the Board on

It was moved by Supervisor Rodefer, seconded by Supervisor Royce, and carried by unanimous vote, to approve the first Amendment to the Contract with BI, Inc. to operate the Day Reporting Center, in an amount not to exceed \$125,000, authorizing the Chair to sign.

The Board recessed at 10:12 a.m. and reconvened at 10:27 a.m.____

Budget 2013/14-
2/17-18 Forecast

Mr. Pedro addressed the Board and gave a presentation on the FY 2013-14 through FY 2017-18 Multi-Year Budget Forecast and responded to questions from the Board.

No action was required.

Reports-Brennan

Supervisor Brennan reported that on February 4, 2013, she attended a a Sonora Regional Medical Center (SRMC) meeting; on February 6th, she attended a she attended a Behavioral Health Advisory Committee meeting; on February 7th, she attended an Area 12 Agency on Aging and a Commission on Aging meeting; on February 11th, she attended another Commission on Aging meeting; on February 12th, she attended Natural Resources meeting; on February 13th, she was a judge for the Lyons Club Speech Contest and attended a Mother Lode Job Training meeting; and thanked staffed for the department orientations she recently attended.

Reports-Gray

Supervisor Gray reported that on February 6,m 2013, he attended the First 5 Advisory Committee meeting; on February 8th, he attended the Tuolumne County Economic Development Authority (TCEDA) meeting; on February 9th, he attended the Lake Don Pedro Sweetheart Ball; on February 13th, he attended the Tuolumne County Transportation Council (TCTC) meeting and recommended everyone look at the TCTC web page.

Reports-Royce

Supervisor Royce reported that on February 4, 2013, he attended the Tuolumne County Cemetery Board meeting; on February 5th, he met with constituents; on February 8th, he attended a TCEDA meeting; on February 11th, he attended a TCTC orientation; on February 13th, he attended the Youth Leadership Tuolumne County meeting and TCTC Board meeting.

Reports-Rodefer	Supervisor Rodefer reported that on February 13, 2013, he attended Amador-Tuolumne Community Action Agency (ATCAA), Fire and County Ambulance Service orientations; on February 14 th , he attended Facilities, County Library, Probation, County Clerk/Auditor and County Treasurer/Tax Collector orientations; on February 15 th , he attended an ATCAA Board of Directors meeting and a Blue Mountain Mineral meeting; and on February 16 th , he attended an Elks Crab Feed Fund Raiser.
Reports-Hanvelt	Supervisor Hanvelt reported that on February 7, 2013, he attended a California State Association of Counties (CSAC) policy meeting via telephone, attended a meeting with a water attorney via telephone and met with Leadership Tuolumne County; on February 8 th , he attended Sustainable Forest Action Coalition meeting in Willows, California; on February 10 th , he attended a did a site inspection of a future Board meeting; on February 11 th , he attended a meetings on forest service matters and Farm Bureau meeting; on February 12 th , he attended Natural Resources Committee meeting, met with Staff on Draper Mine Bridge plan; on February 13 th , he was a judge of the Lyons Club Speech Contest; met with Tuolumne County Association of Realtors; on February 14 th , he attended Central Sierra Economic District and Central Sierra Economic Planning Council meetings; on February 15 th , he attended ATCAA meeting, attended meetings on forest service issues; and met with Larry Cope, Economic Development Director.
Reports-Carrillo	Sarah Carrillo reported that on February 7, 2013, the Office of the County Counsel attended a telephone conference with an attorney on water issues; on February 12 th , they attended a Natural Resources meeting; on February 17 th , they spoke to Leadership Tuolumne County Brown Act and Public Records Act training; and reported on the status of the fire claim at the Human Services Agency.
Reports-Pedro	Mr. Pedro reported on the status of the appointment of the Treasurer-Tax Collector and the recent water damage that occurred at the Tuolumne County Superior Court building.
Reports-Jamar	Alicia Jamar, Chief Deputy Clerk of the Board, reported that on February 17, 2013, she spoke to the Leadership Tuolumne County members on committees and commission appointments and the role of the Board of Supervisors and Clerk of the Board.
TC Comm on Aging Rpt.	Carleton Penwell addressed the Board and gave a presentation by the Tuolumne County Commission on Aging on the 2012 achievements and 2013 goals and responded to questions from the Board. No action was required. The Board recessed at 11:52 a.m. and reconvened at 1:31 p.m.
TentParcelMap/AgPreserve/RZ Klein-Burlarley	Public hearing was declared open to consider GEORGE AND ELLEN KLEIN AND ED AND CATHLEEN BURLARLEY, 1. Resolution (AP12-003) to disestablish Agricultural Preserve No. 66; 2. Special Ordinance amending Section 17.06.020

of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning (RZ12-007) 12.6+ acres to O (Open Space); and 3. Tentative Parcel Map (03T-116(4) to divide 163.4+ acres into two parcels, one 40.0+ acres in size and the other, 123.4+ acres in size, located at 14900 Twist Road. It is a portion of Section 31, Township 1 North, Range 15 East; APN 96-200-22.

Beverly Shane, Community Resource Agency Director, presented the staff report and responded to questions from the Board.

Adam Paszkowski, Community Resources Agency Senior Planner, responded to questions from the Board.

Ed Burlarley, spoke in favor.

Ms. Shane responded to questions from the Board.

Carlyn Drivdahl, Deputy County Counsel, responded to questions from the Board.

Mark Banks spoke in favor.

Ms. Shane responded to questions from the Board.

Mr. Burlarley spoke in favor.

Ms. Shane responded to questions from the Board.

No one else wished to speak, the public hearing was declared closed.

It was moved by Supervisor Gray and seconded by Supervisor Rodefer, to approve 1. the Negative Declaration, finding that: A. The proposed project will not result in significant adverse impacts to the environment; B. The Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and State and County guidelines for the implementation of CEQA; C. The Negative Declaration reflects the independent judgment of the County of Tuolumne; D. Pursuant to Section 21081.6(a)(1) of the Public Resources Code, a reporting and/or monitoring plan has been prepared, as incorporated into the conditions of approval of Tentative Parcel Map 03T-116(4), in order to avoid significant effects on the environment. E. The conditions of approval of Tentative Parcel Map 03T-116(4) are roughly proportional to the respective potential environmental impacts associated with the proposed project. F. Pursuant to Section 21081.6(a)(2) of the Public Resources Code, the custodian and location of the documents and materials which constitute the record of proceedings upon which this decision to adopt the Negative Declaration had been made are as follows: i) Clerk of the Board of Supervisors, 2 South Green Street, Sonora, California; ii) Environmental Coordinator/Community Resources Director, Tuolumne County Community Development Department, 48 West Yaney, Sonora, California; iii) Fire Prevention Division, Tuolumne County Fire Department, 48

West Yaney, Sonora, California; iv) Agricultural Commissioner/Air Pollution Control Officer, Tuolumne County Agricultural Commissioner, Weights and Measures, Animal Control, and Air Pollution Control, 22365 South Airport Road, Sonora, California; and v) Air Pollution Control Office, 22365 South Airport Road, Sonora, California. 2. Agricultural Preserve Alteration AP12-003 to disestablish Agricultural Preserve No. 66, finding that: A. The project is consistent with the Tuolumne County General Plan. B. The project is in accordance with Tuolumne County Resolution 106-04.

C. The project is in accordance with Section 51200 et seq. of the California Government Code regarding agricultural land. 3. the Zone Change RZ12-007, finding that: A. The proposed Zone Change is consistent with the Tuolumne County General Plan. B. The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code. C. The project site is suited to the uses permitted under the proposed zoning districts. 4. Tentative Parcel Map, based on conditions 1 - 47, finding that: A. The proposed land division is consistent with the Tuolumne County General Plan. B. The proposed land division is consistent with the Tuolumne County Ordinance Code. C. None of the mandatory findings requiring denial of a tentative map in Sections 66473 through 66474.6 of the State Subdivision Map Act apply to this project. D. The proposed land division is exempt from the minimum parcel size requirements of Resolution 106-04 pursuant to Section 66474.4(f) of the Subdivision Map Act with noted changes and adoption of the following ordinance and resolution.

Ordinance No. 3217

A special ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

Resolution No. 13-13

Disestablishing Agricultural Preserve No. 66.

Ms. Shane addressed the Board responded to questions from the Board.

Discussion ensued.

Motion carried unanimously.

Closed Session

The Board recessed at 2:10 p.m. to Closed Session **1) Conference with Legal Counsel - Existing Litigation:** (Authority: Government Code § 54956.9(d)(1) - County of Colusa et al., vs. California Department of Health Care Services, et al., Sacramento Superior Court Case No. 34-2012-80001053; **2) Public Employee Appointment:** (Authority: Government Code § 54957 (B)(1)) - County Counsel; **3) Conference with Labor Negotiators:** Craig Pedro, County Administrator; Bill Morse, Human Resources/Risk Manager; and Ann Fremd, Sr. Administrative Analyst (Authority: Government Code § 54957.6) - All Bargaining Units; and **4) Conference with Real Property Negotiators:** Craig Pedro, County Administrator and Daniel Richardson, Deputy County Administrator (Authority: Government Code § 54956.8) - Several parcels located at Jamestown Mine, APNs. 58-200-27,

-30 through -35, -560-01 through -03 and 59-080-42, reconvening at 3:50 p.m., the Chair announced that:

It was moved by Supervisor Gray, seconded by Supervisor Rodefer, and carried by unanimous vote, to approve the appointment of Sarah Carrillo as County Counsel, effective March 13, 2013, and adjourned the meeting to the next regular meeting scheduled for March 5, 2013, at 9:00 a.m.

APPROVED:



RANDELL A. HANVELT, CHAIR

ATTEST:



Alicia L. Jamar, Chief Deputy
Clerk of the Board of Supervisors

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I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR
Clerk of the Board

By: 